



Docket No.: M4065.0223/P223
(PATENT)

#15/Reconsideration
423-02
E. H. H. H.
N.E.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Chih-Chen Cho

BEST AVAILABLE COPY

Application No.: 09/517,314 ✓

Group Art Unit: 2811 —

Filed: March 2, 2000 ✓

Examiner: D. Kang ✓

For: BACKEND METALLIZATION METHOD
AND DEVICE OBTAINED THEREFROM

REQUEST FOR RECONSIDERATION

Box Non-Fee Amendment
Commissioner for Patents
Washington, DC 20231

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Dear Sir:

In response to the Office Action dated January 11, 2002 (Paper No. 14), please reconsider the above-identified U.S. Patent application in view of the following remarks.

Applicant notes that all prior art rejections of pending claims 1, 3-18, 20-32 and 39 are predicated on the Park (U.S. Patent No. 6,303,486) reference. Under 35 U.S.C. §102(e), the effective date of the Park reference is January 28, 2000. However, the subject matter of claims 1, 3-18, 20-32 and 39 was conceived prior to this date and was diligently pursued from prior to the reference date toward a constructive reduction to practice, which occurred on the March 2, 2000 filing date of the present application. A copy of a Rule 131 Declaration from the inventor attesting to this is attached (the original Rule 131 Declaration is available upon request). The Declaration establishes a "prior invention" with respect to the effective date of the Park reference (i.e., January 28, 2000). That is, the Declaration establishes conception of the claimed invention prior to the effective date of the Park reference (i.e., January 28, 2000) coupled with due diligence from prior to the

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reference date to the filing date of the present application (i.e., March 2, 2000). *See* M.P.E.P. §715.07. "A rejection based on 35 USC 102(e) can be overcome by . . . [F]iling an affidavit or declaration under 37 CFR 1.131 showing prior invention." M.P.E.P. §706.02(b). Accordingly, Park is not a proper reference and all rejections based thereon must be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: April 11, 2002

Respectfully submitted,

By 

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AMENDMENT TRANSMITTAL LETTER

Docket No.
M4065.0223/P223

Application No.
09/517,314

Filing Date
March 2, 2000

Examiner
D. Kang

Art Unit
2811

Applicant(s): Chih-Chen Cho

Invention: BACKEND METALLIZATION METHOD AND DEVICE OBTAINED THEREFROM

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	31	- 31 =		x	0.00
Independent Claims	4	- 4 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 04-1073
as described below.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

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Dated: April 11, 2002